



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, २१ सितम्बर, १९७३/३० भाद्रपद, १८९५

GOVERNMENT OF HIMACHAL PRADESH

DEPARTMENT OF PERSONNEL

(APPOINTMENT-II)

NOTIFICATION

Simla-171002, the 20th September, 1973

No. 2-6/71-DP (Apptt. II).—In exercise of the powers conferred by the proviso to Clause (3) of Article 320 of the Constitution of India, the Governor, Himachal Pradesh makes the following Regulations, namely:—

1. (A) These Regulations may be called the Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1973.

(B) These Regulations shall come into force with immediate effect.

2. In these Regulations, unless the context otherwise requires:—

(a) “commission” means the Himachal Pradesh Public Service Commission;

(b) "constitution" means the Constitution of India;

(c) "governor" means the Governor of the State of Himachal Pradesh.

3. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clauses (a) and (b) of Clause (3) of the article 320 of the Constitution in the case of the services and posts specified in the Schedule to these Regulations:

Provided that it shall not be necessary for the Commission to be consulted in regard to promotion or transfer to a post other than those mentioned in the Schedule, if the promotion or transfer take places in the same class and in the same department.

4. It shall not be necessary to consult the Commission as respects any of the matters mentioned in sub-clauses (a) to (e) of Clause (3) of article 320 of the Constitution in the case of Officers of the Armed Forces of the Union holding posts in connection with the affairs of the State of Himachal Pradesh.

5. It shall not be necessary to consult the Commission on the suitability of candidates for:—

(a) appointment to a temporary post, for a period not exceeding six months;

(b) appointment to a permanent post of a person temporarily for a period not exceeding six months if owing to an emergency having arisen, it is necessary in the public interest to fill the vacancy immediately and there is likely to be undue delay in making the appointment after consultation with the Commission.

6. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clauses (a) to (e) of clause 3 of article 320 of the Constitution in respect of a Member of All India Service.

7. It shall not be necessary to consult the Commission for appointment of—

(a) an I. A. S. Officer or a Member of the State Civil Service on the select list prepared and maintained under the Indian Administrative Service (Appointment by Promotion) Regulations, 1955, to an *ex-cadre* post;

(b) An H. A. S. Officer to an *ex-cadre* post.

Explanation

(i) For the purpose of Regulation 7 (a), an *ex-cadre* post shall mean a temporary post created in any scale of the I.A.S. outside the I.A.S. cadre.

(ii) For purpose of Regulation 7 (b), an *ex-cadre* post shall mean a temporary post created in either the time-scale or the selection grade of H. A. S. outside the H.A.S. cadre.

8. It shall not be necessary to consult the Commission in regard to confirmation of a Government servant in any post or service.

9. It shall not be necessary to consult the Commission in regard the making of any order in any disciplinary the case other than—

(a) An original order by the Governor imposing any of the following penalties:—

- (i) withholding of increments with cumulative effect;
- (ii) reduction to a lower service, grade or post or to a time scale or to a lower stage in time scale;
- (iii) compulsory retirement;
- (iv) removal from service; and
- (v) dismissal from service.
- (b) An order by the Governor on an appeal against an order imposing any of the penalties mentioned at (a) above.
- (c) An order by the Governor imposing any of the penalties mentioned at (a) above, in exercise of his powers of review and in modification of an order under which none of the said penalties has been imposed; and
- (d) An order by the Governor over-ruling or modifying, after consideration of any petition or memorial or otherwise an order imposing any of the penalties mentioned at (a) above made by the Governor or by a subordinate authority.

10. Nothing contained in Regulation 9 shall be deemed to make it necessary for the Government to consult the Commission in any case in which the Commission has, at any previous stage, given advice in regard to the order to be passed and no fresh question has thereafter arisen for determination.

11. The Himachal Pradesh Public Service Commission (Exemption from Consultation) Regulations, 1971, as amended from time to time are hereby repealed.

SCHEDULE

Posts in respect of which the authority to appoint is specifically conferred on the President of India or on the Governor of Himachal Pradesh by the Constitution.

2. Posts of Chairman or Members of any Board, Tribunal, Commission or other similar body created by or under the provisions of a Statute.

3. Posts of Chairman or Member of any Board, Tribunal, Commission, Committee or other similar body created or appointed by or under the authority of a Resolution of the House of Legislature or by Resolution of Government for the purpose of conducting any investigation or enquiry into or advising Government, on specified matters.

4. Posts on the personal staff attached to the holders of the posts mentioned in items (1) to (3) above.

5. Posts in the Secretariat of the Vidhan Sabha.

6. Posts of Officers and servants of the High Court till rules are issued by the Governor under Article 229 of the Constitution.

7. Any post which is not a whole-time post.

8. Service or post carrying an initial pay of Rs. 299 or less per mensem.

9. Work-charged staff.

10. All Executive posts upto the rank of Inspector in the Police Department, when filled in by promotion.

11. Appointment of staff with requisite qualifications who have been in service for one year or more in the non-governmental institutions already taken over or to be taken over in future by the Education Department.

12. Any service or post or class of posts in respect of which the Commission has agreed that it shall not be necessary for it to be consulted.

By order,
U. N. SHARMA,
Chief Secretary.

GENERAL ADMINISTRATION DEPARTMENT
(C-SECTION)
NOTIFICATION

Simla-2, the 17th September, 1973

No. 3-35/72-GA-C.—In exercise of the powers conferred upon him under the Acts noted in the margin, the Governor, Himachal Pradesh is pleased to transfer the Patwar Circles Santla and Kurna of Tehsil and District Hamirpur to Tehsil Dehra of District Kangra with immediate effect.

1. Section 5 of the Panjab Land Revenue Act, 1887.
2. Section 5 of the Indian Registration Act, 1908.

By order,
U. N. SHARMA,
Chief Secretary.

LOCAL SELF GOVERNMENT DEPARTMENT
NOTIFICATIONS

Simla-2, the 19th September, 1973

No. 7-26/69-LSG.—In supersession of this Department notification of even number, dated 18-11-1971, and in exercise of the powers conferred upon him under section 10 of the Himachal Pradesh Municipal Act, 1968, the Governor, Himachal Pradesh is pleased to re-fix the number of members of the Notified Area Committee, Dehra Gopipur in Kangra district of H.P., at 10, comprising of 4 official and 6 non-official members.

Simla-2, the 19th September, 1973

No. 7-26/69-LSG.—In continuation of this Department notification of even number, dated 18-11-1971 and in exercise of the powers conferred by clause (d) of sub-section (1) of section 257 of the Himachal Pradesh Municipal Act, 1968, the Governor, Himachal Pradesh is pleased to appoint the S.D.O. (Electricity) Dehra Gopipur as fourth Official member of the N.A.C. Dehra Gopipur, Kangra district, Himachal Pradesh. The term of office of this official member shall be co-terminous with the term of office of the present elected members of the aforesaid Committee.

By order,
P. K. MATTOO,
Secretary.